

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JOHN DOE,

Plaintiff,

v.

OFFICER WOOTEN.
in his individual capacity,

Defendant.

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CIVIL ACTION NO.
1:07-CV-2764-RWS

ORDER

On June 25, 2009, the Court entered an Order [101] granting the parties' Stipulated Motion to Dismiss Defendant Wooten. The motion did not stipulate that the dismissal was to be "with prejudice." Plaintiff has requested that the Court enter an order dismissing the case with prejudice and that the Clerk issue a judgment thereon. Defendant filed a response [106] in which he states no opposition to the Court entering an order dismissing the case with prejudice.

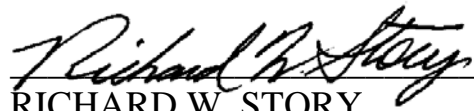
Also, the Court has conferred with counsel who raised a similar issue regarding the dismissal of Warden Wiley. On September 29, 2008, the Court entered an Order [72] granting Defendant Wiley's Motion to Dismiss [36], but

did not provide that the dismissal was to be with prejudice. The parties, through counsel, have stipulated that the dismissal should be with prejudice.

Based on the foregoing, the Court's June 25 Order [101] granting the parties' Stipulated Motion to Dismiss is hereby **VACATED**. The Court's September 29, 2008, Order [72] is also **VACATED**, with regard to the Motion to Dismiss [36].

It is further **ORDERED** that the Stipulated Motion to Dismiss [100] is hereby **GRANTED**, and all claims against Defendant Wooten are **DISMISSED, WITH PREJUDICE**. Also, Defendant Wiley's Motion to Dismiss [36] is **GRANTED**, and all claims against Defendant Wiley are **DISMISSED, WITH PREJUDICE**. The Clerk shall enter judgment in favor of Defendants Wooten and Wiley. The Clerk shall also forward a copy of this Order to the Court of Appeals to supplement the record of this case in the pending appeal.

SO ORDERED, this 20th day of August, 2009.



RICHARD W. STORY
UNITED STATES DISTRICT JUDGE